

## Biodiversity Offsets Scheme – change of designated contact person or authorised representative for public register

The Department of Planning and Environment has annotated this copy of the form to change the designated contact person or authorised representative on the Biodiversity Offsets Scheme (BOS) public register. This is to assist credit holders (owners) to complete the form correctly and minimise delays in processing the transfer.

Please note instructions for completion and lodgement have been removed from this version of the form.

### Part A: Credit details

A1 Credit details	
Biodiversity stewardship ID (if applicable)	BS00XX
Credit holding ID (BOAMS)	CH-XXX
Credit ID (BOAMS)	CR-XXXX

Provide details of the credits that the designated contact person or authorised representative appearing on the BOS public register will be changed for. All information requested in Part A1 must be included.

### Part B: New designated contact person

B1 New credit contact	
Person, company, public authority or other incorporated body you are authorised to act for	Full name of the party you are authorised to represent
Relationship to credit holder	Relationship of new designated contact person or authorised representative to credit holder
Full name	Full name as it appears on proof of identity documents
Position	Position within any company, public authority or other body
Authorised capacity	Role or other capacity that provides you with legal authority to act on behalf of the above party e.g. Company officeholder, delegate
Contact phone	Primary contact number
Email	Contact email address. Must be a unique email address.
Street address	Primary residential address of new designated contact person or authorised representative as it appears on proof of identity documents
Postal address	Postal address for the new designated contact person or authorised representative
BOAMS customer number (if applicable)	C-XXXXXX

Complete Part B1 for the new person that will be the designated contact person or authorised representative on the BOS public register for the credits identified in Part A1.

The Authority to sign and proof of identity practice guideline provides guidance on legal authority to act on behalf of a credit holder (owner).

If you are not already registered in BOAMS, the Department will create an account for you after a completed application is submitted.

**B2 Signature of new credit contact**

Name of contact Full name as it appears on proof of identity documents OR Full name as it appears on the Biodiversity Stewardship Agreement if retirement without first transfer

Signature of contact Click or tap here to enter text.

Date

Attach **one** of either the following:

- |  |   |
|--|---|
| B1.1 Identification certified by Justice of the Peace              | <input type="checkbox"/> Attached       |
|  | <input type="checkbox"/> Not applicable |
| B1.2 Identification certified by Australia Post Witnessing Service | <input type="checkbox"/> Attached       |
|  | <input type="checkbox"/> Not applicable |

Attach relevant documentation:

- |   |   |
|---|---|
| B1.3 Proof of legal authority to act on behalf of the credit holder if the designated contact person is not named as the credit holder e.g. power of attorney, current company extract. | <input type="checkbox"/> Attached       |
|   | <input type="checkbox"/> Not applicable |

The new designated contact person or authorised representative must write their name, sign and date in Part B2.



Proof of legal authority of the new designated contact person or authorised representative must be attached.

The Authority to sign and proof of identity practice guideline provides guidance on legal authority to act on behalf of a credit holder (owner).

Proof of identity for the new designated contact person or authorised representative person must be attached.

The person witnessing proof of identity documents **must** comply with relevant witnessing legislation and/or codes. This includes not witnessing your own proof of identity if you are a Justice of the Peace or perform witnessing services at Australia Post.



## Part C: Signature of credit holder

This application must be completed and signed by the credit holder of the biodiversity credits that the contact person represents. The options for signing the form according to the credit holder category are set out in the table below.

Credit holder category		Application is signed and certified by
C1	<input type="checkbox"/> Individuals	All the individuals who are credit holders of the biodiversity credits
C2	<input type="checkbox"/> A corporation	<ul style="list-style-type: none"> <li>two directors</li> <li>a director and a company secretary</li> <li>the director, if a proprietary company that has a sole director who is also the sole company secretary.</li> </ul>
C3	<input type="checkbox"/> A council	<ul style="list-style-type: none"> <li>the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act)</li> </ul>
C4	<input type="checkbox"/> A public authority other than a council	<ul style="list-style-type: none"> <li>the Chief Executive officer of the public authority.</li> </ul>
C5	<input type="checkbox"/> A trust	<ul style="list-style-type: none"> <li>the trustee</li> </ul> <p><i>Note:</i> trustees that are individuals should sign and certify this application as individuals. If the trustee is a corporation the application should be signed and certified by the relevant person(s) listed at C2.</p>
C6	<input type="checkbox"/> A partnership	<ul style="list-style-type: none"> <li>all partners</li> </ul> <p><i>Note:</i> partners that are individuals should sign and certify this application as individuals. If a partner is a corporation, council or public authority other than a council, the application should be signed and certified by the relevant person(s) listed at C2, C3 or C4.</p>

Indicate the category of the credit holder. This dictates the legal authority required by the person executing the application.

Complete the relevant part from Part C8 – C11 based on the credit holder category.

The category of credit holder identified in Part B should match the category identified in Part C

### C7 Declaration by credit holder

I/We, the undersigned credit holders (owner(s)) of the biodiversity credits, acknowledge and agree:

- That I/We own the credits as described in this application.
- That this application will be determined in accordance with the *Biodiversity Conservation Act 2016* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions.
- That the Crown in right of the State of New South Wales, including its officers, employees, agents and successors ('the State'), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law.
- That all information contained in this application is accurate, true and complete and that the State will rely on such information.
- That the provision of false or misleading information in, or in connection with, this application is an offence under section 13.10 of the *Biodiversity Conservation Act 2016* and section 307A of the *Crimes Act 1900*.
- That the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently.
- I/We hereby give consent for the above person to be the published designated contact for all of the biodiversity credits attached to the Credit holding ID identified above

### C8 For change of contact request made by individuals

Photocopy and attach extra pages to include details for more than two credit holders.

Name	Full name as it appears on proof of identity documents
Signature	
Date	Click or tap to enter a date.
Name	Click or tap here to enter text.
Signature	
Date	Click or tap to enter a date.

All individual credit holders (owners) must write their name, sign and date the application.

Repeat Part C8 by copying and completing it for each individual credit holder.

**C9 For change of contact request made by corporation**

Executed for and on behalf of the credit holder in accordance with section 127 of the *Corporations Act 2001* (Cth) (if a company) or by a duly authorised officer (for other types of corporation).

Name of corporation	Click or tap here to enter text.
Name (1)	<b>Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.</b>
Position (1)	Click or tap here to enter text.
Signature (1)	
Date	Click or tap to enter a date.
Name of corporation	Click or tap here to enter text.
Name (2)	Click or tap here to enter text.
Position (2)	Click or tap here to enter text.
Signature (2)	
Date	Click or tap to enter a date.

All persons legally authorised to act on behalf of a corporation credit holder (owner) must write their name, position, sign and date the application.  
Repeat Part C9 by copying and completing it for each legally authorised person.



**C10 For change of contact request made by council**

The general manager in accordance with section 377 of the *Local Government Act 1993* (LG Act).

Name	<b>Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.</b>
Signature	
Date	Click or tap to enter a date.

The general manager of a council credit holder (owner) must write their name, sign and date the application.



**C11 For change of contact request made by public authority other than a council**

The chief executive officer

Name	<b>Full name as it appears on the evidence of legal authority to act eg. company extract, power of attorney.</b>
Signature	
Date	Click or tap to enter a date.

The chief executive officer of a public authority credit holder (that is not a council) must write their name, sign and date the application.



**C12 Witness**

Name of witness	<b>Full name</b>
Signature of witness	
Date	Click or tap to enter a date.

Execution of the application by the credit holder(s) must be witnessed in accordance with standard witnessing procedures. Witnesses must:

- be over 18 years of age,
- have known the person whose signature they are witnessing for more than 12 months or have taken reasonable steps to ensure the identity of that person,
- be of sound mind, and
- not be a party to the application or have any financial interest in it.

## Part D: Privacy Note

The Department is subject to the *Privacy and Personal Information Protection Act 1988* in managing your personal information. The Department's [Privacy Management Plan](#) describes how it meets these obligations.

When you submit this application, you will provide your personal information to the Department. This includes your name yet may also include other information. You may also provide other personal information when you complete this form. Personal information means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

The Department is collecting your personal information for the purpose of administering the Biodiversity Offsets Scheme. The Department may only use your personal information in a way which is consistent with this purpose, which could include contacting you in relation to this application.

The provision of personal information is voluntary, yet for the purpose of verifying the identity of the designated contact person for the biodiversity credits, if you do not provide it, we may not be able to process your application.

Details (including personal information) about any biodiversity credits arising out of this application will be recorded in the publicly available Register pursuant to the *Biodiversity Conservation Act 2016* and clause 9.4 of the *Biodiversity Conservation Regulation 2017*.

We will not disclose your personal information to anybody else, unless you have given consent, or we are required to do so by law.

Your information will be held securely by the Department at 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150, where applications are received. The information will be secured in an encrypted database.

You have a right to access your personal information. You also can request that your personal information be updated and corrected. If you wish to do so, please telephone the Department's Privacy Officer on 9860 1400 or email [patiunit@planning.nsw.gov.au](mailto:patiunit@planning.nsw.gov.au).

## Part E: Offences for misleading information

It is an offence, under section 13.10 of the *Biodiversity Conservation Act 2016*, to make a statement that you know to be false or misleading in a material particular in, or in connection with, this application. A corporation found guilty of an offence against section 13.10 is liable to a penalty not exceeding \$1.65 million. An individual found guilty of an offence against section 13.10 is liable to a penalty not exceeding \$330,000. Providing false or misleading information is also an offence under section 307A of the *Crimes Act 1900*.